

REMARKS

The Office Action of May 22, 2003 has been received and reviewed. This response is directed to that action. Applicants petition the USPTO for a one-month extension of time to reply to this action, thereby making this reply due on September 22, 2003. The office is hereby authorized to charge Applicant's deposit account accordingly.

Claim Rejections-Double Patenting

The Examiner rejected claims 1-7 under the judicially created doctrine of obviousness-type double patenting over claims 7 and 10-11 of USPN 6,274,029 and claims 1-4, 6-7 and 10 of USPN 6,309,432. The Examiner additionally provisionally rejected claims 1-7 of the present application for the same reason listed above over claims 15 and 18-19 of copending application no. 08/971,254. The applicant has filed herewith terminal disclaimers over each of these references, thus obviating the rejections.

Claim Rejections-35 U.S.C. §103(a)

The Examiner rejected claims 1-5 as obvious in view of USPN 5,689,031 to Berlowitz et al for the reasons made of record in Paper No. 13. Claim 1 has been amended to incorporate the limitation that the peroxide number of the blend can be no greater than 13.17. Support for this amendment is found in Table 1, page 9 of the original filed specification. This limitation is consistent with the object of the present invention, which is to improve the oxidative stability of a Fischer-Tropsch distillate by blending with a petroleum-derived virgin distillate.

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Applicants stand behind their statements of record regarding the teachings of Berlowitz (or the lack thereof) as presented in prior responses. The current amendment further differentiates the present invention from Berlowitz because Berlowitz never teaches, implies or suggests that the oxidative stability, measured in terms of peroxide number, would be improved by blending a virgin distillate into a Fischer-Tropsch distillate. Therefore, this amendment clearly limits the blend to an invention that is not obvious from the teachings of Berlowitz.

Applicants believe that the claims now present in this application to be patentable and that this application is in condition for allowance, and such favorable action is respectfully requested. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference, she is invited to contact Applicants' attorney at the telephone number noted below.

Respectfully submitted,

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☒ Pursuant to 37 CFR 1.34(a)

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